

**EXHIBIT A**

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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ASHLEY ADAMS :  
716 North Barrett Lane :  
Christiana, DE 19702 :  
:  
Plaintiff, : No. 04-251 JJF  
:  
v. : NON-ARBITRATION CASE  
:  
JO ELLEN CHAPEN SHELDON : JURY TRIAL DEMANDED  
708 Pebble Beach Drive :  
Elkton, MD 21921 :  
:  
Defendant. :

COPY

Video Conference Deposition of JO ELLEN CHAPEN SHELDON, taken pursuant to notice, before CAROL DiSERAFINO, Professional Reporter and Notary Public, duly authorized to administer oaths, on WEDNESDAY, JULY 6, 2005, at 2:41 p.m., held at the offices of Parcels, Inc., 103 West 7th Street, Wilmington, Delaware. There being present:

APPEARANCES:

CHARLES S. COOPER, ESQ.  
COOPER & SCHALL, P.A.  
1760 Market Street, Ste. 1100  
Philadelphia, Pennsylvania 19103  
Attorney for Plaintiff

BETH H. CHRISTMAN, ESQ.  
CASARINO CHRISTMAN & SHALK, P.A.  
800 North King Street, Ste. 200  
Wilmington, Delaware 19899  
Attorney for Defendant

ALSO PRESENT:

Ms. Ashley Adams



INDEX TO TESTIMONY

DEPOSITION OF:

PAGE

JO ELLEN CHAPEN SHELDON

Direct by Mr. Cooper

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- - -

INDEX TO EXHIBITS

SHELDON EXHIBIT NO.:

PAGE

1 Copy of Police Report

3

2 Color copy of Photograph

21

1 (Deposition Exhibit Sheldon No. 1  
2 premarked for identification).

3 - - -  
4 JO ELLEN CHAPEN SHELDON, being  
5 first duly sworn/affirmed according to  
6 law, was examined and testified as  
7 follows:  
8 - - -

9 BY MR. COOPER:

10 Q. Miss Sheldon, my name is -- can you hear  
11 me okay?

12 A. I can.

13 Q. My name is Charles Cooper. I'm going to  
14 ask you some questions today. I represent Ashley  
15 Adams concerning an accident that happened back in  
16 April of 2002. The purpose of my questions today is  
17 not to confuse you or mix you up, and there's an  
18 attorney seated to my left, Beth Christman, who is  
19 going to be here and if there's any objection, she'll  
20 make the proper objections. All I want to do is get  
21 an understanding about how the accident happened and  
22 if at any time you don't understand my questions,  
23 please let me know and I'll repeat them.

24 If you don't know the answer to a

1 question, I want you to say you don't know. Nobody  
2 wants you to guess. We're just trying to get some  
3 answers about how the accident happened. Do you  
4 understand those instructions?

5 A. I do.

6 Q. Another thing is you have to keep your  
7 answers verbal because the Court Reporter can't take  
8 down a nod of your head or a wave of your hand, and  
9 even though you may know what I'm going to ask before  
10 I'm done asking, you have to wait till I'm done asking  
11 the questions because the Court Reporter can't take  
12 down both of us talking at the same time. Do you  
13 understand that?

14 A. I do.

15 Q. I'm going to ask you some questions  
16 about an accident that happened on April 23rd of 2002.  
17 Do you remember an accident happening on that day?

18 A. Yes.

19 Q. Do you remember what time of day the  
20 accident happened?

21 A. I would say approximately 8 a.m.

22 Q. And where were you coming from at the  
23 time of the accident?

24 A. I was coming from my house.

1 Q. And how far do you live from the place  
2 where the accident happened?

3 A. I would say between two and four miles.

4 Q. And do you remember what time you left  
5 your home that morning?

6 A. Probably 7:55.

7 Q. And the place where this accident  
8 happened on Old Baltimore Pike, are you familiar with  
9 that geographical location?

10 A. Yes, I am.

11 Q. Had you traveled through the area where  
12 the accident happened at any time prior to the  
13 happening of the accident?

14 A. Yes.

15 Q. And how often would you have done that?

16 A. Several times a day.

17 Q. And for how long of a period of time?  
18 Was it years that you were doing that or months or  
19 days?

20 A. Um, at least two years.

21 Q. Were you employed on the date of the  
22 accident?

23 A. Yes, I was.

24 Q. And for whom were you employed?

1 A. JP Morgan Chase Private Bank.

2 Q. What was your job title at JP Morgan?

3 A. Client services.

4 Q. And, generally speaking, what sort of  
5 work did that job entail?

6 A. Banking for private wealthy individuals.

7 Q. And for how long a period of time did  
8 you hold that position?

9 A. From February of 2000 through February  
10 of 2003.

11 Q. What time did you have to be at work  
12 that morning?

13 A. Between 8:15 and 8:30.

14 Q. What were the traffic conditions like  
15 when you left your home?

16 A. At my house it would have been sparse.  
17 Towards the intersection where the accident was it  
18 would have begun to have gotten heavier.

19 Q. The place where the accident happened,  
20 how far is that from your location of employment?

21 A. I don't honestly know. I would think  
22 maybe ten miles but I'm not sure.

23 Q. So how long do you figure it would have  
24 taken you from the place where the accident happened



1 for you to get to work? How long in your mind would  
2 it have taken you to get there, to work that morning,  
3 had the accident not happened?

4 A. Between fifteen and twenty minutes.

5 Q. Back in April of 2002 did you own a cell  
6 phone?

7 A. Yes, I did.

8 Q. And did you use that cell phone at any  
9 time prior to the collision taking place in this  
10 accident?

11 MS. CHRISTMAN: Are you asking her  
12 during the drive?

13 MR. COOPER: Yeah.

14 BY MR. COOPER:

15 Q. I guess what I'm asking is, from the  
16 point you got in your vehicle that morning before the  
17 accident happened and the actual taking place of the  
18 accident did you operate your cell phone?

19 A. I don't know.

20 Q. Do you know whether or not at the point  
21 in time that you hit my client's vehicle that you were  
22 actually on the cell phone? Do you remember one way  
23 or another?

24 A. I don't remember.

1 Q. Who was your cell phone company back in  
2 April of '02?

3 A. Verizon.

4 Q. Was the account through your name,  
5 Ms. Sheldon?

6 A. No. It would have been in my husband's.  
7 David.

8 Q. Is that David Sheldon?

9 A. Correct.

10 Q. Was your address back then 708 Pebble  
11 Beach Drive, Elkton, Maryland, 21921?

12 A. No.

13 Q. Okay. What was your address back when  
14 the accident happened, please?

15 A. 254-1 East Main Street, Elkton,  
16 Maryland, 21921.

17 Q. Would that be the address that the  
18 account would be listed under?

19 A. At that time, yes.

20 Q. Where do you live now?

21 A. I live in Grayson, Georgia.

22 Q. Can you tell me your address, please.

23 A. 1831 Shoreline Trace, Grayson.

24 Q. Can you tell me your Social Security

1 number.

2 MS. CHRISTMAN: I'm going to object. I  
3 don't think that's relevant at this time.

4 MR. COOPER: I'm not -- the only reason  
5 I'm asking is so I can identify -- I want to get the  
6 records for the cell phone. I'm not interested in  
7 invading her privacy, so if you want to get it for me,  
8 you can. I'm just wondering -- I'm thinking in my  
9 mind how I would get it and I'm thinking it might be  
10 linked to a date of birth or a Social number, but --

11 MS. CHRISTMAN: It's not in her name  
12 anyway, so it -- but we can provide you with the  
13 information you need to obtain those cell phone  
14 records separately.

15 MR. COOPER: Okay. Thank you.

16 BY MR. COOPER:

17 Q. It would be in your husband's name, I  
18 presume? David?

19 A. Yes.

20 Q. But your counsel has told me that she  
21 will allow me -- she'll give me the information to get  
22 those records, which then I don't have to ask that  
23 question about your Social Security number.

24 MS. CHRISTMAN: And just so we're clear,

1 simply for the date and time of this accident, around  
2 that time. Not anything beyond that.

3 MR. COOPER: Nothing beyond that. Just  
4 around the date and time of this accident to show  
5 whether or not -- to help you remember better whether  
6 you were actually on the cell phone at the time of the  
7 accident. That's the only purpose for this,  
8 Ms. Sheldon, not to invade your privacy at all.

9 BY MR. COOPER:

10 Q. How were you feeling the morning of the  
11 accident? Were you in good health?

12 A. Yes.

13 Q. Were you in any hurry to get to work  
14 that morning?

15 A. No.

16 Q. The vehicle that you were operating, it  
17 was a Volvo?

18 A. Yes, it was.

19 Q. And was that vehicle in good working  
20 order at the time the accident happened?

21 A. Yes, it was.

22 Q. Were there any mechanical difficulties  
23 at the time of the accident that existed for that  
24 vehicle that in any way affected the way the vehicle

1     drove, the way you drove the vehicle?

2             A.       No.

3             Q.       On the date of this accident did you  
4     wear corrective lenses?

5             A.       No.

6             Q.       You know what I mean by that? Glasses.  
7     Did you need glasses to drive back then?

8             A.       No, I do not. Never have.

9             Q.       Can you tell me -- trace your route for  
10    me to Old Baltimore Pike where the accident happened,  
11    please, that morning.

12            A.       Very simple. I pulled out of my  
13    driveway, and that is Main Street in Elkton, which  
14    becomes Old Baltimore Pike. It's a straight shot.

15            Q.       And did you make a right or a left out  
16    of your driveway? I presume the road that your house  
17    is on, if you go on that road you get to Old Baltimore  
18    Pike?

19            A.       Yes. It's the same road. I turned  
20    right out of my driveway.

21            Q.       And then how far is it from that  
22    location to the place where the accident happened?  
23    You can give me time ... you can give me miles.  
24    Whatever works for you.

1           A.       I believe it was two to four miles is  
2 what I had stated previously.

3           Q.       And do you remember -- I believe you  
4 said that the traffic conditions were somewhat sparse  
5 and then got a little heavier as you got to Route 896;  
6 is that right?

7           A.       Correct.

8           Q.       Now can you describe Old Baltimore Pike  
9 for me? Is it one lane in each direction when you get  
10 out of your driveway? Is it two lanes in each  
11 direction?

12          A.       It's one lane in both directions going  
13 the whole way from Main Street through Old Baltimore  
14 Pike, excluding a turn lane one intersection up -- I'm  
15 sorry, I don't recall the name of that street -- and  
16 then as you pass over that, continuing on Old  
17 Baltimore Pike it's still one lane both directions,  
18 and where the accident occurred was one lane both  
19 directions.

20          Q.       Is there a left turning lane? The place  
21 where the accident happened was Old Baltimore Pike and  
22 Route 896; right?

23          A.       Correct. We were not at the  
24 intersection however. We had not made it to the

1 intersection yet, so there was no turn lane for the  
2 left yet.

3 Q. The accident happened how many car  
4 lengths from the intersection? In other words,  
5 between you and 896 there were how many cars at the  
6 place where the accident happened, including my  
7 client's vehicle?

8 A. I would have to say at least fifteen, if  
9 not more. I'm not sure.

10 Q. Do you think it was around fifteen or  
11 you're not sure at all? It could have been less than  
12 that? I don't want to put words in your mouth.

13 A. It would not have been less than that.

14 Q. So it was somewhere -- either fifteen or  
15 more cars were between you and 896 when the collision  
16 took place; correct?

17 A. Correct.

18 Q. And one of those fifteen cars would  
19 actually be my client's vehicle; right?

20 A. One of the fifteen or more cars. Yes.

21 Q. Correct. One of the fifteen or more  
22 cars. You're correct.

23 Do you know where your vehicle was  
24 located at the time you first saw my client's vehicle?

1 In other words, how far from -- how far from 896 was  
2 my client's vehicle when you first saw it?

3 A. We were stopped at a red light. She was  
4 directly in front of my car.

5 Q. Could you describe for me how the  
6 accident happened.

7 A. We were stopped at a red light. My foot  
8 slipped off the brake, I rolled forward and tapped the  
9 back of her bumper.

10 Q. How fast were you going at the time you  
11 hit the back of her bumper?

12 A. Less than 5 miles. It did not register  
13 on my speedometer.

14 Q. And were you looking at your speedometer  
15 between the time that your foot came off the brake and  
16 you moved your vehicle forward and the time that you  
17 impacted my client's vehicle?

18 A. No, but the speedometer on a Volvo  
19 doesn't start below 5 miles an hour.

20 Q. When you first approached 896 is there a  
21 traffic light there for your direction of travel?

22 A. We were going towards the traffic light.  
23 Is that your question?

24 Q. Yes. So you're traveling towards the



1 traffic light on Old Baltimore Pike; correct?

2 A. Yes.

3 Q. And at some point in time did you have  
4 an opportunity as you're traveling towards 896 to see  
5 a traffic signal directing your direction of travel?  
6 In other words, as you're going down Old Baltimore  
7 Pike, at some point is there a traffic light that  
8 directs traffic approaching Route 896?

9 A. There's a traffic light with a stoplight  
10 and a turn signal.

11 Q. And where were you intending to go?  
12 Were you intending to go across 896 or were you gonna  
13 make a left?

14 A. I would have made a left turn.

15 Q. And when you stopped your vehicle, you  
16 say you stopped your vehicle behind my client's  
17 vehicle?

18 A. Correct.

19 Q. How far was the front of your vehicle  
20 from the back of my client's vehicle when you stopped?

21 A. A couple of feet?

22 Q. Would that be five feet or less? Ten  
23 feet?

24 A. Trying to think of a visual for a